THE HON'BLE SRI JUSTICE D.S.R. VARMA
AND
THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION No.24445 of 2007

DATED : 20-11-2007

Between :

Smt. I. Sara Sugunamani

...Petitioner.

AND

Health, Medical and Family Welfare Department,
Andhra Pradesh, at Hyderabad,
Rep.by its Commissioner and 3 others.

...
Respondents.

THE HON'BLE SRI JUSTICE D.S.R. VARMA
AND
THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION No.24445 of 2007

ORAL ORDER : (per the Hon'ble Sri Justice D.S.R. Varma)

Heard Sri T.C. Krishnan, learned counsel for the petitioner, and the learned Government Pleader for Medical, Health and Family Welfare.

2. This Writ of Certiorari is filed seeking to quash the orders of the A.P. Administrative Tribunal, passed in O.A.No.3191 of 2007, dated 22-10-2007 and consequently to direct the respondents to accommodate the petitioner at S.V.R.R.

Government General Hospital, Tirupati, Chittoor District, in the existing vacancy, by suspending the proceedings of the second respondent in RC.No.1661/B1/2007, dated 30-05-2007.

3. The petitioner is working as a Staff Nurse in S.V.R.R. Government General Hospital at Tirupati. It appears that on 30-05-2007 some counselling exercise has been conducted by the respondent authorities to effect the transfers. But, the petitioner was not subjected to any counselling and had any counselling been subjected, the petitioner would have opted for a suitable place, because her husband was working as a sub-staff in Syndicate Bank at Tirumala, which is at a far-off place i.e., about 70 kms., away from the place where she is presently transferred. Aggrieved by the same, the petitioner had approached the Tribunal by way of filing O.A.No.3191 of 2007. The Tribunal, initially though suspended the orders of transfer, ultimately by orders, dated 22-10-2007, dismissed the O.A. Hence, the present writ petition.

4. It is settled law that in matters of transfers, the jurisdiction of the Courts or the Tribunal is very limited, except in cases of lack of jurisdiction, malafide etc., and the Courts cannot interfere with the decisions on transfers. After all, the transfer is an essential incidence to the appointment. Therefore, in normal course, transfers can neither be challenged, nor the Courts can interfere with such transfers. However, if there is any grievance, the same can be considered by the competent authority.

5. Therefore, we deem it appropriate to dispose of the writ petition with a direction to the respondents to consider the case of the petitioner upon the application being made by her, keeping in view the appointment of her husband at a far-off place. It is further clarified that if there is no application of the petitioner as on date, she may make such application within a period of one week, upon

which the respondents are directed to dispose of the said application, as expeditiously as possible.

6. With the above observations and directions, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

_____

JUSTICE D.S.R.VARMA

_____

JUSTICE K.C. BHANU

20-11-2007

NOTE: Issue C.C. by 26-11-2007.

(B/O)

Msr.

THE HON'BLE SRI JUSTICE D.S.R. VARMA
AND
THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION No.24445 of 2007

20-11-2007
(Msr)